

From: [Knapp, Michael](#)
To: [Sчена, Cristeen](#)
Subject: FW: FOIA Request re: ExxonMobil Terminal in Everett, MA
Date: Friday, March 18, 2016 12:59:00 PM

FYI.

From: John Carroll [mailto:JCarroll@wittobriens.com]
Sent: Friday, March 18, 2016 12:53 PM
To: Knapp, Michael <Knapp.Michael@epa.gov>
Subject: RE: FOIA Request re: ExxonMobil Terminal in Everett, MA

Received, thank you.

Thank you,

John K. Carroll III | Vice President, Compliance Services

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From: Knapp, Michael [mailto:Knapp.Michael@epa.gov]
Sent: Friday, March 18, 2016 11:52 AM
To: John Carroll <JCarroll@wittobriens.com>
Subject: FOIA Request re: ExxonMobil Terminal in Everett, MA

John,

As we discussed in our telephone conversation today, EPA Region 1 has received a Freedom of Information Act (FOIA) request regarding ExxonMobil's terminal in Everett, MA. The request seeks, in part, the terminal's facility response plan (FRP), which EPA received from ExxonMobil on June 2, 2015.

Although ExxonMobil has not previously claimed that the FRP, or parts thereof, is confidential business information (CBI), EPA desires to determine whether certain information contained in the FRP is entitled confidential treatment. See 40 C.F.R. § 2.204(a)(2). Specifically, would ExxonMobil like to claim that the site diagrams contained in the FRP, at pages 5-23 and 80-98, constitute CBI? For your information, EPA's definition of CBI is contained at 40 C.F.R. § 2.201.

As required under 40 C.F.R § 2.204(c)(2)(ii), “any claim the business wishes to assert must be brought to the EPA office's attention no later than the close of business on the third working day after” EPA alerts you to the FOIA request. Accordingly, please let me know **by the close of business on Wednesday, March 23rd**, whether ExxonMobil would like make a CBI claim. An email or telephone call will suffice for informing me of your decision.

If ExxonMobil asserts a CBI claim, I will be happy to discuss with you the next steps in the process. Please let me know if you have any other questions or would like to discuss.

Best,
Mike

Michael Knapp
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